

Local Form 4A

July 2007

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NORTH CAROLINA

In re:

Randy Scott Chitwood
Constance Efird Chitwood

Debtor(s).

Case No. 12-30287

Chapter 13

AMENDMENT TO:

**CHAPTER 13 PLAN, INCLUDING NOTICE OF MOTION(S) FOR VALUATION;
MOTION(S) TO AVOID CERTAIN LIENS; MOTION(S) FOR ASSUMPTION AND
REJECTION OF EXECUTORY CONTRACTS AND UNEXPIRED LEASES; AND
NOTICE OF OPPORTUNITY FOR HEARING ON CONFIRMATION OF THE PLAN
INCLUDING ALL MATTERS AS SET FORTH IN THE PLAN,
FOR CASES FILED ON OR AFTER JULY 2, 2007**

Check for motion applicable to this plan amendment:

- ☒ Motion to Value Liens Includes Valuation of Property Securing A Claim
☒ Motion to Value Liens includes Valuation of Property Securing A Claim in an Amount Less than the Amount of the Claim
☒ Motion to Avoid Liens §522(f)
☐ Motion to Assume Executory Contracts(s) and Unexpired Leases
☐ Motion to Reject Executory Contract(s) and Unexpired Leases
☐ No motions applicable to this plan amendment

The Chapter 13 Plan, including certain motions and other provisions, is hereby **amended** as follows:

PLAN PAYMENTS; ADMINISTRATIVE COSTS

1. a. The base plan proposes to pay \$ 5,715.00 per month for 60 months
(est. payout to unsecureds 5 %)
OR
b. The percentage plan proposes to pay \$ _____ per month for _____ % payout to unsecureds.
c. If applicable, the plan will also be funded by: NONE
d. The attorney for the debtor(s) has received \$0.00 of the total base attorney fee of \$3,250.00.

CLASSIFICATION AND TREATMENT OF CLAIMS

2. Secured Claims

a. Treatment of Secured Claims:

Creditor	Collateral	Value of Coll.	Claim Amt.	Treatment	Int. Rate (numeric)
1. Institution Food House	Judgment - 07-CVD-02879	0.00	15,300.00	Avoidance	0.00
2. National Commercial Services, Inc.	08 Rewards Network Judgment obtained in Cook County, Illinois	0.00	21,511.00	Avoidance	0.00

Creditor	Collateral	Value of Coll.	Claim Amt.	Treatment	Int. Rate (numeric)
3. Sysco Food Services of Charlotte, LLC	Judgment 07-CVD-00803	0.00	16,900.00	Avoidance	0.00
4. Bank Of America, N.A.	Location: 6420 Long Meadow Lane, Charlotte NC 28210	287,000.00	148,584.00	Conduit	2.97
5. Bank Of America, N.A.	Location: 6420 Long Meadow Lane, Charlotte NC 28210	287,000.00	117,702.00	Conduit	9.54
6. City of Charlotte - Economic Development	Debt is secured by (1) primary residence located at 6420 Long Meadow Lane, Charlotte NC 28210 and (2) a UCC Financing Statement against all business assets of Rhino Restaurants, Inc., d/b/a Pike's Old Fashioned Soda Shop located at 1930 Cam	287,000.00	67,794.80	Conduit	0.00
7. Allegacy FCU	2007 Volvo XC70	16,500.00	11,874.00	910/365	5.25
8. First-Citizens Bank & Trust Company	Jefferson Pilot/Lincoln Financial - Individual Flexible Premium Variable Life Insurance - \$200,000 Face Value	11,834.70	274,284.00	As valued	8.00
9. Ford Motor Credit	2006 Mercury Mountaineer	12,712.50	5,219.00	910/365	5.25
10. Internal Revenue Service	Trust Fund Taxes	51,277.98	122,277.98	As valued	3.00

b. Pre-petition arrearages, if any, to be paid through the Chapter 13 Trustee:

Creditor	Collateral	Pre-pet. arrearage
1. City of Charlotte - Economic Development	Debt is secured by (1) primary residence located at 6420 Long Meadow Lane, Charlotte NC 28210 and (2) a UCC Financing Statement against all business assets of Rhino Restaurants, Inc., d/b/a Pike's Old Fashioned Soda Shop located at 1930 Cam	4,000.00

c. Monthly Conduit Payment

Creditor	Mo. Conduit Payment
1. Bank of America, N.A.	815.51
2. Bank of America, N.A.	1114.39
3. City of Charlotte - Economic Development	575

d. Insurance information for secured claims (real property or motor vehicles)

Collateral	Insurance Agent and Address	Vehicle Mileage	VIN
-None-			

3. Priority Claims

a. Section 507(a)(2-10) Priority Claims

i. ☐ None

OR

ii. The names and amounts of all claims entitled to priority under 11 U.S.C. Section 507, other than DSOs:

<u>Name</u>	<u>Claim Amount</u>
1. Internal Revenue Service	27,164.54
2. Mecklenburg County Tax Collector	0.00
3. NC Department of Revenue	0.00
4. U.S. Attorney's Office	0.00

b. Domestic Support Obligations ("DSOs")

i. ☒ None

OR

ii. The name, address and phone number including area code of the holder of any DSO as defined in 11 U.S.C. Section 101(14A), and amount of pre-petition arrearage owed, if any.

<u>Name of Holder</u>	<u>Address (incl. city, state, zip code)</u>	<u>Telephone</u>	<u>Amt. of Any Pre-Pet. Arrearage</u>
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4. Special Terms

a. ☐ None

b. Special Treatment of Unsecured Claims, and Explanation of Treatment

c. Brief Comment Explaining Direct Payment Treatment for Secured Claims under Paragraph 3(a)(2)

d. ☐ Pay no interest on mortgage arrearages **OR** ☒ Pay interest on mortgage arrearages at a rate of 0%

e. Other Special Terms

Debtor proposes to pay Judgment in favor of Sysco Food Products of Charlotte, LLC outside of the plan as part of the Debtor's budget in the amount of \$850 per month to satisfy the judgment, as the judgment is against the Debtor's business, Rhino Restaurants, LLC, and must be paid in order to allow Debtor's business to operate without fear of Execution of Judgment against assets of the business.

TAKE NOTICE: Your rights may be affected. You should read this amendment to the Chapter 13 Plan carefully, including any motions contained in the amended plan, and discuss them with your attorney, if you have one, in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you do not want the Court to confirm the proposed plan of the debtor(s) as amended, including any of the motions included in the amended plan, or if you want the court to consider your views on these matters, then you or your attorney must file with the Court a written objection to confirmation and request for hearing on confirmation at the following addresses:

Cases filed in the **Charlotte, Shelby or Wilkesboro** Divisions:

Clerk, U.S. Bankruptcy Court, 401 W. Trade St, Charlotte, NC 28202

Cases filed in the **Asheville or Bryson City** Divisions:

Clerk, U.S. Bankruptcy Court, Room #112, 100 Otis Street, Asheville, N.C. 28801

Your objection to confirmation and request for hearing must include the specific reasons for your objection, and must be filed with the Court no later than fifteen (15) days following the conclusion of the Section 341(a) meeting of creditors, or within fifteen (15) days of service of the amendment, whichever is later. If you mail your objection to confirmation to the Court for filing, you must mail it early enough so that the Court will receive it on or before the deadline stated above. You must also serve a copy of your objection to confirmation on the debtor(s), the attorney for the debtor(s), and the Chapter 13 trustee at their addresses as they are listed in the notice of the meeting of creditors. If any objections to confirmation are filed with the Court, the objecting party will provide written notice of the date, time and location of the hearing. No hearing will be held unless an objection to confirmation is filed.

If you or your attorney do not take these steps, the Court may decide that you do not oppose the proposed plan of the debtor(s) as amended, including any motions contained in the amended plan, and may enter an order confirming the amended plan and granting the motions. **Any creditor's failure to object to confirmation of the proposed plan as amended shall constitute the creditor's acceptance of the treatment of its claim as proposed, pursuant to 11 U.S.C. Section 1325(a)(5)(A).**

I declare under penalty of perjury that the information provided in the Amendment to Chapter 13 Plan, including Notice of Motion(s) for Valuation; Motion(s) to Avoid Certain Liens; and Motion(s) for Assumption and Rejection of Executory Contracts and Unexpired Leases; as to all matters set forth herein are true and correct.

Dated: April 16, 2012

/s/ Randy Scott Chitwood

Randy Scott Chitwood

Debtor's Signature

Dated: April 16, 2012

/s/ Constance Efird Chitwood

Constance Efird Chitwood

Debtor's Signature

I hereby certify that I have reviewed this document with the debtor(s) and that the debtor(s) have received a copy of this document.

Dated: April 16, 2012

/s/ Brian T. Bain

Brian T. Bain 27699

Attorney for Debtor(s)